

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-16-02)
MDSV, LLC
MARCH 24, 2016

This is a report to the Flathead County Board of Adjustment regarding a request from Mark Dowdy, on behalf of MDSV, LLC for a conditional use permit to allow for a three building mini storage, RV storage on the subject property. The subject property is located within the Blanchard Lake Zoning District and is zoned 'B-2 General Business' and 'SAG-5 Suburban Agricultural'.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on April 5, 2016 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Committee.

B. Board of Adjustment

This space is reserved for an update regarding the April 5, 2016 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Mark Dowdy
1414 North Montana Ave.
Helena, MT 59601

ii. Landowner

MDSV, LLC
1414 North Montana Ave.
Helena, MT 59601

B. Property Location and Size

The subject property is located at 5020 Highway 93 South, Whitefish Montana and is approximately 3.4 acres. The property can be legally described as Tract 3CA in Section 24, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana (see Figure 1 below).

Figure 1: Subject property shaded yellow



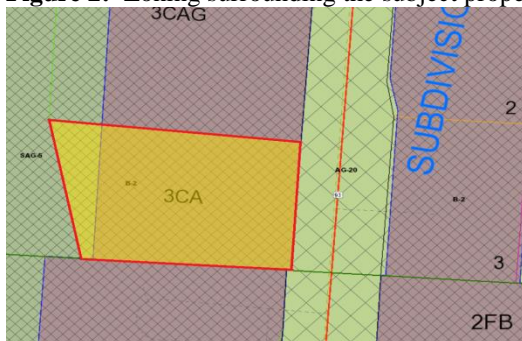
C. Existing Land Use(s) and Zoning

The property is currently undeveloped. The property is located within the Blanchard Lake Zoning District and is zoned 'B-2 General Business' and 'SAG-5 Suburban Agricultural.' B-2 is "A business district to provide for those retail sales and service functions and operations that are typically characterized by outdoor display, storage, and/or sale of merchandise, by major repair of motor vehicles, and by outdoor commercial amusement and recreational activities." SAG-5 is 'a district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encourage separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.'

D. Adjacent Land Use(s) and Zoning

The properties to the north, east and south are similarly zoned B-2 and the property to the west is zoned SAG-5 (see Figure 2 below). The properties to the north and west are currently undeveloped. To the east of the subject property is commercial and to the south is mini-storage. (see Figure 1 above).

Figure 2: Zoning surrounding the subject property (outlined red)



Summary of Request

The applicant is proposing to construct two unheated storage buildings on site with a third planned in the future from which several trucks would be entering and leaving daily. The Planning Director determined on January 11, 2016, this use would qualify as a mini-storage, RV storage building on the subject property, which would meet the definition of mini-storage *“Any real property designed and used for the purpose of renting or leasing individual domestic storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property”* [Section 7.13.080 FCZR] Mini-storage, RV storage requires a conditional use permit under B-2 zoning [Section 3.17.030(9)].

E. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on April 15, 2016, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the April 17, 2016 edition of the Daily Interlake.

F. Agency Referrals

Referrals were sent to the following agencies on March 29, 2016:

- Montana Department of Transportation
 - Reason: The property is located on a Montana highway, and has the potential to impact state facilities.
- Flathead County Solid Waste (FCSW)
 - Reason: The property is located within the department’s jurisdiction, and has the potential to impact county facilities.
- Whitefish Rural Fire Department
 - Reason: The property is located within the department’s jurisdiction, and has the potential to impact Whitefish Rural Fire Department response.
- Flathead-City-County Environmental Health Department
 - Reason: The property is located within the department’s jurisdiction.
- Flathead County Weeds and Parks Department
 - Reason: The property is located within the department’s jurisdiction and new construction could lead to the development of weeds on the subject property.
- Montana Department of Natural Resources and Conservation
 - Reason: The DNRC has requested a copy of all agency referrals.
- Bonneville Power Administration
 - Reason: The BPA has requested a copy of all agency referrals.
- Whitefish Planning Department
 - Reason: The property is located near to the city.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding this request for a conditional use permit. It is anticipated any individual wishing to provide public

comment on the proposal will do so during the public hearing scheduled for April 5, 2016. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Montana Department of Transportation
 - Comment: “The proposal will have direct access to Highway 93 via an existing approach. The owner’s representative has contacted MDT about the proposal and we agree that the location of the existing access as indicated on the submittal is acceptable for this proposal. As this will be a change in use of an existing access and the approach will be reconstructed within the right of way then the owner will need to obtain a new approach permit from MDT.” Email dated 3.8.16 for original two building application
 - *Comment: “We do not have any additional comments to those that were previously sent...for the similar proposal.” Email dated 4.8.16*
- Bonneville Power Administration
 - Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time.” Email dated 4.1.16
- Flathead County Solid Waste District
 - Comment: “The District views no negative impact with solid waste issues at this time. If the conditional use permit is granted any and all solid waste generated at the proposed location will need to be hauled by a private hauler to the landfill.” Comment received 4.14.16
- Flathead City-County Health Department
 - Comment: “The most current survey, COS 20122, created this parcel and imposed a sanitary restriction. The proposed use which includes mini storage and RV storage requires review under the Sanitation in Subdivisions Act. The proposed use will create additional storm water drainage and possibly potable water usage and wastewater which must be addressed through this review.” Email received 4.14.16

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate Usable Space

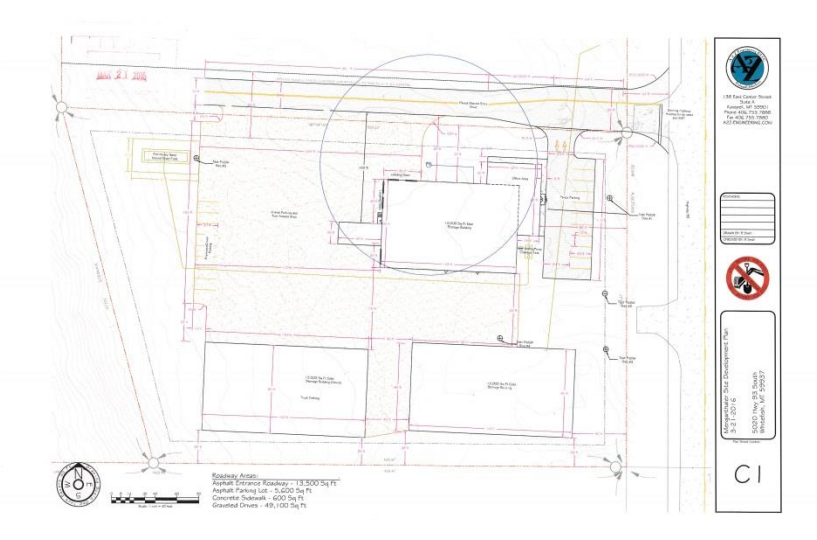
The subject property is currently zoned B-2. In the ‘B-2’ zone, the minimum lot size is 7,500 square feet. The applicant is proposing to construct a main storage building approximately 10,000 square feet in size, a separate unheated storage building approximately 12,000 square feet in size with a third separate unheated

storage building approximately 12,000 square feet in size. The permitted lot coverage in a B-2 zone is not applicable.

The proposal provides for 21 off-street parking spaces, gravel parking and turn around area, truck parking and direct access to office area of the main building. The front setback for the property is 20 feet, the rear setback is 15 feet and the side setback is 15 feet. The site plan shows the building located outside the required setbacks. (Figure 3) Based on the submitted site plan and staff's site visit there appears to be adequate space to accommodate the proposed use on the property.

Finding #1 – The subject property appears to contain adequate usable space because the lot is approximately 3.4 acres which is larger than the minimum lot size required, the proposed buildings will be located outside the setbacks, there is no restriction on permitted lot coverage, and there will be adequate room for parking.

Figure 3: Proposed site plan



ii. Adequate Access

The application states, “Access is directly onto Highway 93 South.” The subject property is located on Highway 93 a paved four lane principal arterial highway and is within a 60 foot easement. The site plan shows one access located at the northeast corner of the property. Based on staff's site visit it appears there is adequate sight distances from the proposed access to enter and exit the property safely. All access onto Montana Highways shall have been approved by the Montana Department of Transportation with the issuance of an approach permit, per Section 6.16.010(4) [FCZR].

Figure 4: Highway 93 in front of subject property



Finding #2 – There appears to be adequate access for the proposed use because the site plan shows a 38 foot wide drive within the front setback, there is adequate sight distance to safely enter and exit the property and the applicant will need to obtain a new approach permit from Montana Department of Transportation.

iii. Absence of Environmental Constraints

The subject property is relatively flat with no significant elevation changes. The subject property is located on FEMA FIRM panel 30029C 1405J, the lot is located in an un-shaded Zone X, classified as an area outside the 500-year floodplain. Additionally, there are no wetlands, streams, or creeks located on the parcel and there appears to be no other environmental constraints.

Figure 6: FEMA FIRMette 30029C 1405J (Subject property outlined in blue)



Finding #3 – As proposed, the mini-storage, RV storage appears to have no environmental constraints because the property is relatively flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.

B. Appropriateness of Design

i. Parking Scheme

According to the submitted application and site plan, the applicant is proposing 21 parking spaces, 4,160 square feet of truck parking and a gravel parking and turn around area. All together the asphalt parking lot is 5,600 square feet and the gravel drives are 45,650 square feet.

Per Section 6.10.020 [FCZR], for warehouse, storage and wholesale business and freight terminals, 1 space per 2 employees on maximum shift is required. There are 10 clearly marked employee parking spaces for 12 employees and 11 clearly marked parking spaces in the paved parking lot for customers on the site plan. Based on the applicant's submitted site plan and staff's site visit to the subject property, there appears to be adequate space for the required parking.

The site plans shows a driving lane, between parking spaces, 24 feet wide for two-way traffic, meeting the requirements set forth in Appendix A [FCZR] based on the angle of the parking. Section 6.01.030 [FCZR] requires all parking spaces to be clearly designated and demarcated, therefore the applicant will be required to clearly designate and demarcate parking spaces.

ii. Traffic Circulation

The site is accessed from Highway 93, a paved four lane Montana Highway. The site plan shows traffic aisles approximately 24 feet wide in the paved public parking lot. The 24 foot wide traffic aisle is required for two way traffic with 90 degree parking per Appendix A [FCZR]. The drive width of 38 feet to 24 feet would provide for adequate travel lanes and area to turn around. The proposed parking areas appear large enough to accommodate the number of proposed spaces, while affording adequate and compliant internal traffic circulation.

Finding #4 – The proposed designated parking scheme and traffic circulation is acceptable because the site plan shows truck parking, 21 designated and demarcated parking spots and the proposed traffic aisle widths meet standards set forth in Appendix A [FCZR].

iii. Open Space

The subject property is approximately 3.4 acres in size and the proposed buildings would cover approximately 18,000 square feet of the total lot. The applicant states, "open space is provided on the front setback from the highway, along the north side to access road, along the south to property line and to the west beyond truck parking." The proposed size of the buildings and location shown on the site plan would be able to comply with the setbacks requirements within the B-2 zone.

iv. Fencing/Screening

The application states, “fencing is not proposed at this time.” Any fencing constructed on the property would be required to comply with Section 5.04 [FCZR].

v. Landscaping

Landscaping is not required within B-2 zones and SAG-5 zoning is not residential. The application states, “Sod and low shrubs on the north, east and south sides of the building.” The site plan shows landscaped open space on the side and front yards.

Finding #5 – The proposed open space and landscaping on the subject property appears adequate because there are no lot coverage restrictions in B-2 zones and SAG-5 zones are not considered residential. The applicant is providing landscaping on the north, east and south sides of the building.

vi. Signage

The applicant states “Lettering on fascia of building and one sign by highway access.” When the applicant installs signage, it must conform to Section 5.11 FCZR.

Finding #6 – There will be limited impacts resulting from signage because the applicant will be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.

vii. Lighting

The applicant has stated, “Building access light and soffit lighting. Sign lighting. There will be 3 – 25’ light poles in truck parking area on west end of lot. Each light pole will have 2 box lights on it.” When the applicant chooses to install lighting it must comply with performance standards set forth in [FCZR] Section 5.12.

Finding #7 – There will be limited visual impacts resulting from lighting because any proposed lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.

C. Availability of Public Services and Facilities

i. Sewer

Comment from Flathead City-County Health Department states, “The proposed use which includes mini storage and RV storage requires review under the Sanitation in Subdivisions Act. The proposed use will create additional storm water drainage and possibly potable water usage and wastewater which must be addressed through this review.”

ii. Water

Comment from Flathead City-County Health Department states, “The proposed use which includes mini storage and RV storage requires review under the Sanitation in Subdivisions Act. The proposed use will create additional storm

water drainage and possibly potable water usage and wastewater which must be addressed through this review.”

Finding #8 – The proposed use is expected to minimally impact public water and sewer services because the proposed development requires review under the Sanitation in Subdivisions Act and must be reviewed before being approved for the proposed use.

iii. Storm Water Drainage

The applicant is proposing that all storm water be directed towards the “west end of lot through swales and a collection system designed by an engineer.” The use must also be approved for storm water drainage through the Sanitation in Subdivisions Act.

All parking areas and access driveways shall have at a minimum, per Section 6.11.030(1) [FCZR], adequate drainage so that injuries not be caused to adjacent properties nor will water drain across a public walk. All storm water runoff is required to be absorbed on-site.

Finding #9 – The proposed method of storm water management appears adequate because the applicant will manage storm water runoff on-site through absorption techniques using open space and will go through review under the Sanitation in Subdivisions Act.

iv. Fire Protection

The applicant states, “None provided on site – Whitefish Rural Fire District.” The subject property is currently served by the Whitefish Rural Fire Department and is located approximately 2 miles west of the existing fire station. Due to the proximity to a fire station, quick response times in the event of an emergency are possible.

v. Police Protection

The property would be served by the Flathead County Sheriff’s Department. It is anticipated response times in an emergency would not be unreasonably long given the property’s proximity to an urban, developed area of the County.

vi. Streets

The subject property is accessed via Highway 93. Highway 93 is classified as a principal arterial and is a paved four lane highway within a 60 foot right-of-way. Highway 93 is maintained by the Montana Department of Transportation.

Finding #10 – The proposed use appears to have acceptable impacts on public services and facilities because the Whitefish Rural Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is accessed by Highway 93, a paved four lane principal arterial.

D. Immediate Neighborhood Impact

i. Excessive Traffic Generation

As previously discussed, Highway 93 is a paved four lane primary arterial. According to the ITE Trip generation 5th Edition a mini storage/RV storage would generate approximately 115 vehicle trips per day. This is based on

weekday trips for a mini-storage located on three acres. The most recent traffic counts for US Highway 93 south of Happy Valley were taken in 2014 by the Montana Department of Transportation. The average daily trips on Highway 93 south of Happy Valley were determined to be 14,140 at that time. The vehicle trips generated as a result of this proposal amounts to an increase of approximately .008% from the 2014 counts.

Comments from the Montana Department of Transportation states, “The proposal will have direct access to Highway 93 via an existing approach. The owner’s representative has contacted MDT about the proposal and we agree that the location of the existing access as indicated on the submittal is acceptable for this proposal. As this will be a change in use of an existing access and the approach will be reconstructed within the right of way then the owner will need to obtain a new approach permit from MDT.”

The subject property is located within a B-2 zone and there are other commercial facilities in the area. The amount and type of traffic resulting from the proposed use is anticipated to be similar to existing traffic conditions on Highway 93, and does not appear to generate traffic out of character for the area.

Finding #11 – Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because the traffic generated from the proposed use is anticipated to be similar to existing traffic conditions in the area. A new approach permit is required from the Montana Department of Transportation.

ii. Noise or Vibration

While some noise and vibration will naturally occur as a result of construction activities related to the development of the building, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise or vibration beyond what is typical for a commercial area is anticipated as a result of the proposed mini-storage/RV storage.

Finding #12 – The proposed use is not anticipated to have an immediate neighborhood impact because the mini-storage/RV storage will not create excessive noise or vibration.

iii. Dust, Glare or Heat

While some dust is anticipated during construction activities, the resulting impacts will be limited in duration, similar to the impacts of construction noise and vibration. Excessive dust is a potential result of 45,650 square feet of graveled drives in connection with the mini-storage/RV storage use. Highway 93 is a paved highway and the proposed public parking lot will also be paved.

As with any development, increased impervious surface area and windows do have the potential to increase the impacts of glare and heat on the subject property as well as the surrounding area. However, these impacts can be mitigated by retaining open space on the subject property in conformance with

the bulk and dimensional requirements of the zoning and ideally, landscaping these areas or maintaining them as grass or other types of pervious surfaces.

Finding #13 – The proposed use is anticipated to have an immediate neighborhood impact concerning dust because the subject property contains, in its plan, 45,650 square feet of graveled drives in connection with the mini-storage/RV storage use. The customer parking lot will be paved and access will be paved and off a paved road. Dust will be mitigated with a dust control plan.

iv. Smoke, Fumes, Gas, or Odors

The proposed mini-storage/RV storage is not expected to create any smoke, fumes, gas or odors beyond those typically associated with highway traffic and storage. The proposed use will likely not impact the surrounding neighborhood with regard to these types of emissions.

Finding #14 – The proposed use is not anticipated to have an immediate neighborhood impact concerning smoke, fumes, gas or odors beyond those typically associated with highway traffic and storage.

v. Inappropriate Hours of Operation

The proposed hours of operation for the facility are 8 am to 5 pm.

Finding #15 – The proposed use is not anticipated to have inappropriate hours of operations and will operate from the hours of 8 am to 5 pm in a manner consistent with commercial uses in the surrounding area.

V. SUMMARY OF FINDINGS

1. The subject property appears to contain adequate usable space because the lot is approximately 3.4 acres which is larger than the minimum lot size required, the proposed building will be located outside the setbacks, there is no restriction on permitted lot coverage, and there will be adequate room for parking.
2. There appears to be adequate access for the proposed use because the site plan shows a 38 foot wide drive within the front setback, there is adequate sight distance to safely enter and exit the property and the applicant will need to obtain a new approach permit from Montana Department of Transportation.
3. As proposed, the mini-storage, RV storage appears to have no environmental constraints because the property is relatively flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.
4. The proposed designated parking scheme and traffic circulation is acceptable because the site plan shows 21 designated and demarcated parking spots and the proposed traffic aisle widths meet standards set forth in Appendix A [FCZR].
5. The proposed open space and landscaping on the subject property appears adequate because there are no lot coverage restrictions in B-2 zones and SAG-5 zones are not considered residential. The applicant is providing landscaping on the north, east and south sides of the building.

6. There will be limited impacts resulting from signage because the applicant will be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.
7. There will be limited visual impacts resulting from lighting because any proposed lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations and will be inspected for compliance at the end of one year.
8. The proposed use is expected to minimally impact public water and sewer services because the proposed development requires review under the Sanitation in Subdivisions Act and must be reviewed before being approved for the proposed use.
9. The proposed method of storm water management appears adequate because the applicant will manage storm water runoff on-site through absorption techniques using open space and will go through review under the Sanitation in Subdivisions Act.
10. The proposed use appears to have acceptable impacts on public services and facilities because the Whitefish Rural Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is accessed by Highway 93, a paved four lane principal arterial.
11. Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because the traffic generated from the proposed use is anticipated to be similar to existing traffic conditions in the area. A new approach permit is required from the Montana Department of Transportation.
12. The proposed use is not anticipated to have an immediate neighborhood impact because the mini-storage/RV storage will not create excessive noise or vibration.
13. The proposed use is anticipated to have an immediate neighborhood impact concerning dust because the subject property contains, in its plan, 45,650 square feet of graveled drives in connection with the mini-storage/RV storage use. The customer parking lot will be paved and access will be paved and off a paved road. Dust will be mitigated with a dust control plan.
14. The proposed use is not anticipated to have an immediate neighborhood impact concerning smoke, fumes, gas or odors beyond those typically associated with highway traffic and storage.
15. The proposed use is not anticipated to have inappropriate hours of operations and will operate from the hours of 8 am to 5 pm in a manner consistent with commercial uses in the surrounding area.

VI. CONCLUSION

Upon review of this application, the request to allow for mini-storage, RV storage on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff

report FCU-16-02 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS

1. Construction of the mini-storage, RV storage on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The approved use shall conform to the applicable standards of the 'B-2 General Business' zoning designation [FCZR Section 3.19].
4. The subject property shall be required to undergo Sanitation in Subdivision review before being approved for the proposed use.
5. The proposed use shall be reviewed by the Montana Department of Transportation and obtain an approach permit for a mini-storage, RV storage. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
6. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
7. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
8. A dust control plan shall be submitted to the Flathead City-County Environmental Health Department.
9. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
10. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: DV